IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO: 6778 of 2000

Between:

B.Lakshmi Narayana S/o B. Pedda Hanumanthu,

R/o R.S. Rangapuram village, Bethamcherla Mandal, Kurnool District.

….. PETITIONER

AND

1. The Chief Engineer, Electricity,

A.P.Transco, Cuddapah Zone, Cuddapah District.

2. The Superintending Engineer(Assessments),

A.P. Transco, Cuddapah.

3. The Assistant Divisional Engineer (Operations)

A.P.Transco, Dhone, Kurnool District.

4. The Assistant Accounts Officer (ERO),

A.P.Transco, Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature ofwrit of Mandamus declasring the order of the first respondent issued in proceedings vide LR.No.CE/C2/CDP/C&P/221/A.7-2000-KNL/D.No.1057/2000 dated
29-02-2000 confirming the order of the second respondent vide proceedings No.SE/A/CDP/FAO/D.NE/KNL/F.20/99-2000/D.No.798 dated 11-01-2000 including the demand issued towards assessment as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to forbear from enforcing the said demand and set aside the same.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY
Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

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The petitioner, who is running a Small Scale Stone Polishing Unit files this writ petition seeking to assail the impugned orders of the first respondent dated 29-02-2000, confirming the order of the second respondent dated 11-01-2000, in regard to the assessment made on certain allegations found against the petitioner during inspection.

2. In this case, during the inspection made on 12-08-1999, it was found that the view glass of the meter box was missing. Thereupon, after following the procedure and after giving opportunity to the petitioner and considering his explanation, initial assessment was made at
Rs.6,69,634/-, provisionally. Thereafter when final assessment was made, it was brought down to Rs.2,00,495/-, which was also confirmed in the appeal. Hence, the writ petition.

3. Though several contentions have sought to be raised across the bar by both sides, even in regard to the correctness of the findings arrived at, however, by taking into consideration the fact that both the authorities concurrently held that the petitioner is responsible for such acts of meddling with the Meter, which resulted in theft of energy amounting to pilferage, which is a serious violation; however, having taken into consideration the petitioner's explanation, ultimately the amount was reduced drastically.

4. In the circumstances, it cannot be said that there is any illegality in regard to the findings held against the petitioner. However, by taking into consideration the fact that the inspection was made as long as on
12-08-1999 and on the facts and circumstances, it cannot be said that the final

assessment arrived at is on reasonable side. Therefore, the amount of Rs.2, 00,495/- is reduced to 10%. After such reduction, the amount comes to Rs.1, 80,445-50 Ps.

The writ petition is accordingly allowed in part. No costs.

B. PRAKASH RAO, J

Dt.30-12-2004

Glv/Chvn

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on Thursday the Thirtieth day of December,2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Chief Engineer, Electricity,

A.P.Transco, Cuddapah Zone, Cuddapah District.

2. The Superintending Engineer(Assessments),

A.P. Transco, Cuddapah.

3. The Assistant Divisional Engineer (Operations)

A.P.Transco, Dhone, Kurnool District.

4. The Assistant Accounts Officer (ERO),

A.P.Transco, Dhone, Kurnool District.

5. Two C.D. Copies.